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In re Application of
Meyer et al.
Application No. 10/538,461
PCT No.: PCT/US03/03801
Int. Filing Date: 07 February 2003
Priority Date: 13 December 2002
Atty. Docket No.: 60469-215; OT-5043A
For: Stepchain Link For A
Passenger Conveyor System

COMMUNICATION

This is in response to the renewed submission under 37 CFR 1.42 filed on 17 November 2006.

DISCUSSION

In a Communication mailed on 28 September 2006, the declaration filed under PCT Rule 4.17(iv) was not accepted under 37 CFR 1.42 because

Further examination of the declaration reveals that it properly identifies the international application number to which it is directed. Helene Ostermeier geb. Wagener and Heike Helene Rojahn geb. Ostermeier have signed the declaration in the capacity of "Legal Representative," and the declaration provides their respective citizenship, residence and postal address information. However, it does not provide "the facts which the inventor would have been required to state" in that Jorg Ostermeier's citizenship, residence and mailing address information is not listed. As such, the declaration does not comply with 37 CFR 1.497(b)(2). It is also noted that the declaration nominates Andreas Stuffel, who is not named in the published international application. Accordingly, it would not be appropriate to accept the declaration of the inventors under 37 CFR 1.42 at this time.

In response, applicants have filed a copy of a 4.17(iv) declaration form which provides the residence, citizenship and postal address information for Jorg Ostermeier, and which is signed by the same legal representatives as signed the declaration filed on 10 June 2005. The declaration nominates the same inventive entity as the declaration filed on 10 June 2005, including Andreas Stuffel, who is not named in the published international application. However, on 30 November 2006, applicants submitted a copy Form PCT/IB/306 evidencing the recording of a change under Rule 92bis to add "STUFFEL, Andreas" as an applicant/inventor. Based on the totality of the evidence currently of record, it would be appropriate to accept the declaration under 37 CFR 1.42, for purposes of compliance with 37 CFR 1.497(a) and (b).

It is noted that the surcharge under 37 CFR 1.492(h) has been paid twice. Therefore, \$130.00 is being refunded to Deposit Account No. 50-1482 (which was the source of the second payment of the surcharge).

CONCLUSION

The declaration is **ACCEPTED** under 37 CFR 1.42.

This application is being forwarded to the National Stage Processing Branch for further processing. The date of this application under 35 U.S.C. 371(c)(1), (2) and (4) is **17 November 2006**.



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